

Appeal Decision

Site visit made on 19 November 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2022

Appeal Ref: APP/P2114/W/21/3274736

**Land adjacent (south east) of Park View, Bullen Road, Nettlestone
PO33 1QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs N and S Golding against the decision of Isle of Wight Council.
 - The application Ref 20/00890/FUL, dated 8 June 2020, was refused by notice dated 9 March 2021.
 - The development proposed is detached bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. References to the Framework in this decision relate to the latest version published in 2021.

Main Issues

3. The main issues are the effect of the proposal on:
 - The rural character and appearance of the site and surrounding area; and
 - The safety of those using the public bridleway adjacent to the site.

Reasons

Character and appearance

4. The appeal site comprises agricultural land situated to the rear of a two-storey dwellinghouse known as Park View. It lies within an area predominantly characterised by sporadic forms of development surrounded by open fields which, together with the narrow roads lined with mature hedging and trees, give the area a pleasant rural feel. The Council has previously refused planning permission for the construction of a detached bungalow on land adjacent to Park View. The proposed development was subsequently allowed on appeal¹,

¹ APP/P2114/W/18/3209772.

the Inspector considering that 'the construction of a dwelling would not fundamentally alter its relationship with the surrounding landscape'.

5. However, this particular scheme relates to a site directly fronting the road, which formed part of the garden attached to Park View, and the Inspector accordingly found that it already had a 'clearly domestic character'. The circumstances of the appeal before me are distinctly different, in that the proposed dwelling would be built on an agricultural field, which is clearly separated from the residential curtilage of Park View. The site's access by a public bridleway reinforces its strong rural character.
6. The construction of the proposed dwelling would alter the agricultural appearance of the site and result in a harmful incursion of built development into the countryside, which would be evident when viewed from the bridleway, despite the screening provided by the mature hedgerow. The proposal would be visually intrusive and subsequently erode the contribution made by the site to the character and appearance of the site and its surroundings.
7. Whilst additional planting along the site's south-eastern and south-western boundaries would be positive, it would inevitably require a considerable length of time to mature before it could provide an effective form of screening. The imposition of a condition to secure such planting would not, therefore, overcome my concerns regarding the effect of the development. Furthermore, and notwithstanding any further landscaping, the harm resulting from the development would remain visible from more distant views.
8. My attention has been drawn to a planning application² for four dwellings, four holiday units and bed and breakfast accommodation at Park Farm, which was approved by the Council in 2012. Having regard to the available information, the circumstances of this particular scheme, which notably comprised the demolition of a number of redundant barns and conversion of farm buildings, do not represent a direct parallel to the proposal before me. For similar reasons, limited weight is also afforded to the planning approval³ at Bullen Mead, which entails the redevelopment of a retail barn and glasshouses to enable the construction of two detached dwellings.
9. Given the above, the proposal would unacceptably harm the rural character and appearance of the site and surrounding area, and would therefore conflict with Policies SP1 and DM2 of the Island Plan Core Strategy (March 2012). These notably seek to ensure that proposals are of a high quality design, providing an attractive setting for the development that integrates with its surroundings and having regard to the features which contribute to the character of the area. In that respect, the appeal scheme would also conflict with section 12 of the Framework, but also section 15, which emphasise the importance of recognising the intrinsic character and beauty of the countryside.

Safety

10. The appeal site is accessed by a public bridleway which appears to be surfaced in a gravel type material. It forms part of an extensive network of public rights of way sited to the north and east of the appeal site. The appeal proposal, which includes a parking and turning area, would use an existing access onto the bridleway.

² Local Planning Authority Reference P/00001/12.

³ Local Planning Authority Reference 21/00110/FUL.

11. The vehicular movements resulting from the proposed residential use may lead to an intensification of the access. However, this would in all likelihood remain minimal, given the vehicular movements which may be presently associated with the agricultural use of the site. Furthermore, the proposed layout would ensure that vehicles are able to enter and leave the site in a forward gear, which would further reduce the risk of conflicts between vehicles and users of the bridleway. The Local Highway Authority is satisfied that the visibility would be satisfactory, and it is also important to note that only a short section of the bridleway would be needed for access.
12. Taking all these elements into consideration, I am satisfied that the rural network of public rights of way would not adversely affected by the proposal, nor would the safe and convenient use of the public bridleway for pedestrians, cyclists and horse riders be compromised. Accordingly, there would be no conflict with the design aims of CS Policy DM2, and the requirements of CS Policy DM17, which seeks to promote sustainable travel.

Other Matters

13. The appeal site lies within proximity to the Solent and Southampton Water Special Protection Area (SPA), which is recognised under the Habitats Regulations as being of international importance for supporting significant numbers of overwintering bird species.
14. There is no dispute between the main parties that the proposal could have a likely significant effect on the integrity of this SPA (either individually or in combination with other plans and projects) notably by reason of additional recreational pressures, unless suitable mitigation is provided. Residential development proposals are required to make a financial contribution towards mitigation measures, which are normally secured through the completion of a planning obligation. Moreover, the Council has raised concerns regarding the high levels of nitrates generated by new development, which could also have a likely significant effect on the integrity of the protected area.
15. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Planning Balance

16. The Council is presently unable to demonstrate a five-year supply of deliverable housing sites, although limited evidence has been presented regarding the extent of the shortfall. Additionally, the Housing Delivery Test indicates that the delivery of housing remains substantially below the Isle of Wight's housing requirement over the previous three years. In such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, states that planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
17. The appeal development would make a contribution towards housing supply and choice, and support the local economy to some degree. These benefits are afforded moderate weight. It is also argued that the proposal would meet an

identified housing need, contributing to the stock of smaller dwellings suitable for starter homes or for the elderly, whilst releasing a larger unit to the market. However, no mechanism, such as a planning obligation, has been brought to my attention to secure this type of housing in land use planning terms, thus limiting the weight which can be ascribed to this consideration.

18. Against that, the appeal proposal would cause unacceptable harm to the rural character and appearance of the area. I ascribe substantial weight to the harm which would be caused by the development. Accordingly, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits which would be derived from the proposal. Taken as a whole, the appeal scheme does not constitute sustainable development which the Framework carries a presumption in favour of.

Conclusion

19. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR